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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,090	10/25/2001	Michael S. Gatov	01-709	8506

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EXAMINER

BOLES, DEREK

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 05/08/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,090

Applicant(s)

GATOV, MICHAEL S.

Examiner

Derek S. Boles

Art Unit

3749

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8, 9, 22, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Ziemer et al. (4,554,766). See 7 for blower, 20 & 23 for plenum, 19 for air diffuser.

Regarding claim 2, see fig. 1. Regarding claims 2 and 9, see fig. 1. Regarding claims 3 and 4, see col. 4, lines 30-36. Regarding claim 8, see fig. 2. Regarding claim 23, see col. 5, lines 3-8.

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Linderstrom (3,726,204). See fig. 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Regarding claim 11 it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziemer et al. in view of Larsson (6,080,060). Ziemer et al. discloses all of the limitations of the claim

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except for a filter being disposed between the blower and the plenum. Larsson discloses the presence of a filter being disposed between the blower and the plenum. See 17 and col. 1, lines 15-17. Hence, one skilled in the art would find it obvious to modify the system of Ziemer et al. to include the filter being disposed between the blower and the plenum of Larsson for the purpose of increase air cleansing.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ziemer et al. in view of Larsson and in further view of Horneff et al. (3,824,909). Ziemer et al. in view of Larsson discloses all of the limitations of the claim except for holes having varying cross-sectional areas. Horneff et al. discloses the presence of holes having varying cross-sectional areas. See col. 3, lines 36-42. Hence, one skilled in the art would find it obvious to modify the system of Ziemer et al. in view of Larsson to include holes having varying cross-sectional areas of Horneff et al. for the purpose of better airflow control.

Claims 7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziemer et al. in view of Chang et al. (5,788,567). Ziemer et al. discloses all of the limitations of the claim except for the diffuser being formed of static charge dissipating material. Chang et al. discloses the presence of a diffuser being formed of static charge dissipating material. See col. 2, lines 20-25. Hence, one skilled in the art would find it obvious to modify the system of Ziemer et al. to include the diffuser being formed of static charge dissipating material of Chang et al. for the purpose of electronic protection.

Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziemer et al. in view of Horneff et al. (3,824,909). Ziemer et al. discloses all of the limitations of the claim except for the range of airflow holes being between 0.125" and 0.5". Horneff et al.

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discloses the presence of a range of airflow holes being between 0.125" and 0.5". See col. 3, lines 36-53. Hence, one skilled in the art would find it obvious to modify the system of Ziemer et al. to include the range of airflow holes being between 0.125" and 0.5" of Horneff et al. for the purpose of slowing the airflow.

Claims 13-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wurst et al. (4,963,069) in view of Lindestrom (3,726,204). Wurst et al. discloses all of the limitations of the claim except for the first side of the plate to experience a first pressure and the second side to experience a pressure lower than the first pressure when the plate is disposed in an airflow. Lindestrom discloses the presence of a first side of the plate to experience a first pressure and the second side to experience a pressure lower than the first pressure when the plate is disposed in an airflow. See 8 and col. 2, lines 49-61. Hence, one skilled in the art would find it obvious to modify the system of Wurst et al. to include the first side of the plate to experience a first pressure and the second side to experience a pressure lower than the first pressure when the plate is disposed in an airflow of Lindestrom for the purpose of adjusting airflow velocity. Regarding claims 14 and 15, see fig. 1. Regarding claim 19, see abstract of Lindestrom.

Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wurst et al. in view of Lindestrom and in further view of Horneff et al. Wurst et al. in view of Lindestrom discloses all of the limitations of the claim except for the plurality of holes range in size from 0.125" to 0.5". Horneff et al discloses the presence of plurality of holes range in size from 0.125" to 0.5". See col. 3, lines 36-53. Hence, one skilled in the art would find it obvious to modify the system of Wurst et al. in view of Lindestrom to include a plurality of holes range in size from 0.125" to 0.5" of Horneff et al for the purpose of adjustability.

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Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wurst et al. in view of Lindestrom and in further view of Chang et al. Wurst et al. in view of Lindestrom discloses all of the limitations of the claim except for diffuser being formed of static charge dissipating material. Chang et al discloses the presence of diffuser being formed of static charge dissipating material. See col. 2, lines 20-25. Hence, one skilled in the art would find it obvious to modify the system of Wurst et al. in view of Lindestrom to include a diffuser being formed of static charge dissipating material of Chang et al for the purpose of adjustability.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 recites the limitation "the blower and the plenum" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The provided references are representative of the state of the art that is applicable to the applicant's invention. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek S. Boles at (703) 308-1804 or fax number (703) 746-4569 or derek.boles@uspto.gov. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861. The Supervisory Primary Examiner for Art Unit 3749 is Ira Lazarus who can be reached at (703) 308-1935 or at ira.lazarus@uspto.gov.

D.S.B.


**DEREK S. BOLES
PRIMARY EXAMINER**

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